S.B. CIVIL WRIT PETITIO NO. 3533/95
(KARAN SINGH VS. STATE OF RAJ. & ORS.)

DATE : 29.1.2007

HON'BLE MR. RAJESH BALIA,J.

Mr. Sudhir Sharma, for the petitioner.
Mr. L.R.Upadhyay, Public Prosecutor.

Heard learned counsel for the parties.

The petitioner had applied for grant of mining lease vide application dated 21.4.94. The said application could not be disposed of until notification dated 6.10.94 was issued declaring the new marble policy, 1994. In terms of clause 9 of the said marble policy the pending application of the petitioner was rejected vide order dated 18.10.94. The appeal and the second appeal against the order dt. 18.10.94 were successively dismissed on 27.4.95 & 29.5.95. Hence, this petition.

It is not in dispute that it has been held by the Division Bench of the Court that the Marble Policy contained in 1994 to be constitutionally valid. In view thereof if the respondent authority have acted according to policy the orders under challenge cannot be said to be erroneous.

Moreover, since the filing of the writ petition the marble policy itself has under gone change from time to time and it is not practical to consider the application of the petitioner dated 21.4.94 in the light of the current policy. Therefore, no relief cannot be granted to the petitioner.

However, even the mining lease in question, is free for allotment, the petitioner may make an application now and if otherwise he fulfills the requirement of current marble policy, his application may be considered on its merit.

Subject to aforesaid, the writ petition is dismissed. No order as to costs.

(RAJESH BALIA),J.

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